

Notice of Allowability

Application No.

09/880,263

Examiner

Callie E. Shosho

Applicant(s)

KRAMER ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 4/1/04 and telephonic interview conducted 6/9/04.
2. ☒ The allowed claim(s) is/are 1,2,4-12 and 14-18.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 6/9/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Callie E. Shosho
Primary Examiner
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Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

(1) Claim 1, line 3, after "more" and before "low-solvent", delete "liquid".

2. Authorization for this examiner's amendment was given in a telephone interview with Hilmar Fricke on 6/9/04.

Statement of Reasons for Allowance

3. The present claims are allowable over the "closest" prior art Koenraad et al. (U.S. 2003/0092799) and Larson et al. (U.S. 5,017,451) for the following reasons:

Koenraad et al. disclose process for preparing aqueous powder coating dispersion comprising mixing binder resin with pigment and additives in first stage of extruder at elevated temperature, then introducing water and additional constituents such as crosslinkers and emulsifiers in the following stages wherein the temperature is lowered, then discharging process mixture from extruder while adding water, followed by homogenizing the mixture in high shear mixer. However, while Koenraad et al. disclose lowering the temperature upon adding water and additional constituents, there is no disclosure or suggestion that the temperature is lowered below 70° C as now required in all the present claims. Further, Koenraad et al. disclose adding water to the process mixture upon discharge from the extruder. However, this is in direct contrast to the present claims which require adding organic or inorganic solvent to the mixture upon discharge from the extruder. There is no disclosure or suggestion in Koenraad et al. of adding organic or inorganic solvent to the mixture upon discharge from the extruder as presently claimed.

Larson et al. disclose continuous process for preparing liquid coating comprising introducing resin and pigment into extruder which melts the resin and disperses pigment in the resin to form viscous mixture at 80-120° C, introducing solvent into the extruder, discharging mixture from the extruder, followed by introducing the mixture into high shear cooling apparatus. Thus, Larson et al. discloses discharging the mixture from the extruder and then cooling the mixture below 70° C in high shear cooling apparatus which is in direct contrast to the present claims which require lowering the temperature below 70° C then discharging the mixture

from the extruder, and then homogenizing the process mixture in high shear mixer. Further, Larson et al. disclose adding additional solvent into the mixture when the mixture is in the high shear cooling apparatus. This is in direct contrast to the present claims that require adding solvent to mixture first and then homogenizing the mixture in high shear mixer. There is no disclosure or suggestion in Larson et al. of adding organic or inorganic solvent to the mixture upon discharge from the extruder but before homogenizing the mixture in high shear mixer as presently claimed.

Thus, it is clear that Koenraadt et al. and Larson et al., either alone or in combination, do not disclose or suggest the present invention.

Further, applicants' amendment filed 4/1/04 overcomes the 35 USC 112, second paragraph rejections of record.

In light of the above, it is clear that the rejections of record are untenable and so, the present claims are passed to issue.

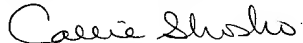
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 571-272-1123. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
6/10/04